

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAGTEN ASSET MANAGEMENT CORPORATION, :

Plaintiff, :

v. :

C.A. No. 05-499-JJF

MIKE J. HANSON & ERNIE J. KINTD, :

Defendants. :

STIPULATION AND **ORDER OF DISMISSAL**

Plaintiff Magten Asset Management Corporation and Defendants Mike J. Hanson and Ernie J. Kindt, comprising all of the parties in the above action, represent and stipulate by and through their undersigned counsel that the above matter has been settled and subject to the Court's approval is hereby DISMISSED with prejudice, with each party to bear its or his own costs.

Dated: July 30, 2008

BLANK ROME LLP

/s/ Dale R. Dubé

Dale R. Dubé (No. 2863)
David W. Carickhoff, Jr. (No. 3715)
1201 Market Street, Suite 800
Wilmington DE 19801
(302) 425-6400
dube@blankrome.com
carickhoff@blankrome.com

**EDWARDS ANGELL PALMER & DODGE
LLP**

/s/ Denise Seastone Kraft

Denise Seastone Kraft (No. 2778)
919 North Market Street
15th Floor
Wilmington, DE 19801
(302) 425-7106
dkraft@eapdlaw.com

- and -

- and -

**FRIED FRANK HARRIS SHRIVER &
JACOBSON LLP**

Bonnie Steingart, Esq.
Gary L. Kaplan, Esq.
One New York Plaza
New York NY 10004

**BROWNING, KALECZYC, BERRY &
HOVEN, P.C.**

Stanley T. Kaleczyc
Kimberly A. Beatty
139 North Last Chance Gulch
P.O. Box 1697
Helena, Mt 59624

*Attorneys for Magten Asset Management
Corporation*

Attorneys for Mike J. Hanson and Ernie J. Kindt

SO ORDERED this 1 day of August, 2008.

Joseph J. Fara
United States District Court Judge